

SENATE CHAMBER, }  
AUSTIN, TEXAS, Saturday, April 1, 1871. }

Senate met pursuant to adjournment; Senator Fountain presiding *pro tem*.

Roll called; quorum present.

Absent—Senator Evans.

Absent—excused—President Campbell.

Prayer by the Chaplain.

Journal of yesterday morning read.

The President for the time being asked that the journal of yesterday be corrected, so as to show that the Governor's message, vetoing "An act to amend the first section of an act supplemental to an act entitled 'an act defining the office and duties of notaries public,' passed May 13, 1846, approved March 5, 1863," was referred to a select committee of three; that the Chair appointed on said committee Senators Bowers, Parsons and Ruby, and that Senator Pickett was added to said committee on the motion of Senator Pyle.

There being no objection, the journals were corrected as requested, and approved as corrected.

### REPORTS OF STANDING COMMITTEES.

Reports of Committee on State Affairs:

COMMITTEE ROOM,  
AUSTIN, March 31, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 469, entitled "An act to incorporate the Galveston Hibernian Society," have carefully considered the same and instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 272, entitled "An act to incorporate the Houston

Savings Institution," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 240, entitled "An act to incorporate the Galveston Dollar Savings and Loan Association," after careful consideration instruct me to report the same back, and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 211, entitled "An act to release William Rice from paying State, county or city corporation tax on the sale of goods, wares and merchandise in the State of Texas," after careful consideration instruct me to report the same back, and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

Reports read and laid over under the rules.

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 203, entitled "An act to incorporate the Indianola City Railroad Company," after careful consideration, instruct me to report the same back and recommend that it do pass.

Respectfully,

S. W. FORD,  
Chairman.

On motion of Senator Pridgen, the rules were suspended to consider the report and bill. Report read and received, and House bill No. 203 read second time.

On motion of Senator Pridgen, the rules were further suspended, House bill No. 203 read third time and passed.

Reports of Committee on State Affairs :

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,  
President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 188, to be entitled "An act to incorporate the officers and members of Humboldt Lodge No. 94, I. O. O. F., of Victoria," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,  
President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 174, to be entitled "An act to incorporate the Houston Schuetzen Verein," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,  
President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 173, entitled "An act to incorporate the Indianola Colored Benevolent Society," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on State Affairs, to whom was referred House bill No. 135, entitled "An act to incorporate the town of Linden, Davis county," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on State Affairs to whom was referred House bill No. 119, entitled "An act to incorporate the Hebrew Benevolent Association of Bryan, Texas," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on State Affairs to whom was referred House bill No. 118, entitled "An act to incorporate the Excelsior Real Estate and Building Association," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on State Affairs, to whom was referred House bill No. 116, entitled "An act to incorporate the Indianola

Hook and Ladder Company No. 1, of the city of Indianola," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No 82, entitled "An act for the relief of T. F. Steudobach, late sheriff of Kendall county," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 148, entitled "An act to incorporate Hook and Ladder Company No. 1, of the city of Bryan," after careful consideration, instruct me to report the same back, and recommend its passage with the accompanying amendment.

Respectfully,

S. W. FORD,  
Chairman.

Committee on State Affairs' amendments to House bill No. 148: amend section two, line three, by inserting after the word "juries" the words "except upon the trial of capital cases."

Reports read and laid over under the rules.

Reports of Committee on Internal Improvements:

COMMITTEE ROOM,  
AUSTIN, April 1, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Internal Improvements, have duly considered House bill No. 131, "An act to incorporate the Gilmer

Manufacturing Company," and return the same with the recommendation that it do pass.

Respectfully,

WEBSTER FLANAGAN,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 1, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 389, "An act to incorporate the Indianola, San Antonio and El Paso Railroad Company," have had the same under consideration and respectfully recommend that it do pass.

WEBSTER FLANAGAN,  
Chairman.

Reports read and laid over under the rules.

Report of Committee on Immigration :

COMMITTEE ROOM,  
AUSTIN, March 31, 1871.

Hon. A. J. FOUNTAIN,

President for the time being of the Senate :

SIR: Your committee, to whom was referred "An act to encourage the immigration of communities of persons skilled in the arts of spinning and weaving cotton and wool, and dying and printing fabrics of the same, from the several cities of Alsace and Lorraine," beg leave to report that they have examined the same and recommend its passage.

W. H. PARSONS,

Chairman of Committee on Immigration.

Report read and laid over under the rules.

Report of Committee on Counties and County Boundaries :

COMMITTEE ROOM.  
AUSTIN, April 1, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 432, to be entitled "An act to amend section one and four of 'an act to define, establish and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces,'" have had the same under careful consideration, and beg leave to report the same back to the Senate and recommend its passage.

P. W. HALL,  
Chairman.

Read and laid over under the rules.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,  
AUSTIN, April 1, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate Bills No. 167, "An act to incorporate the Houston Cemetery Company;" No. 220, "An act to incorporate the Calvert and Belton Railroad Company;" No. 210, "An act to incorporate the San Gabriel Bridge Company;" No. 195, "An act to incorporate the Hempstead and West Liberty Air Line Railway Company;" No. 265, "An act to incorporate the Paris Real Estate and Banking Association," and No. 304, "An act authorizing T. M. Harwood and C. C. DeWitt, of Gonzales county, to construct a bridge across the Guadalupe river near the town of Gonzales, in Gonzales county," find the same to be correctly engrossed.

G. T. RUBY,  
P. W. HALL,  
E. L. DOHONEY.

Report read and received.

Senator Flanagan moved to reconsider the vote of yesterday by which the Senate passed House bill No. 114, "An act to incorporate the Jefferson City Street Railway Company." Carried.

### BILLS AND RESOLUTIONS.

By Senator Hertzberg: a bill (Senate bill No. 308) to be entitled "An act to organize the Bureau of Immigration." Read first time and referred to Committee on Immigration.

By Senator Bowers: a bill (Senate bill No. 309) to be entitled "An act amendatory of and supplementary to 'an act to organize the Supreme Court of the State of Texas,' approved March 12, 1846." Read first time and referred to the Committee on Judiciary.

Senator Bowers offered the following resolution, which was adopted:

*Resolved*, That the message of the House of Representatives relative to the impeachment of Wm. H. Russell, Judge of the Fifteenth Judicial District of the State of Texas, be referred to a select committee of three, to be appointed by the Chair, to consider the same and report thereon.

The Chair appointed on such committee Senators Pickett, Parsons and Tendick.

By Senator Pettit: a bill (Senate bill No. 310) to be entitled "An act to authorize the Governor to procure from the archives of the old Spanish Mission the history of this State prior to 1793, and to make an appropriation for the same." Read first time and referred to the Committee on Finance.

Senator Pridgen moved the Senate adjourn to Monday, 10 A. M. Yeas and nays called for, and motion lost by the following vote:

Yeas—Broughton, Cole, Dillard, Douglass, Flanagan, Latimer, Pickett, Pridgen—8.

Nays—Bell, Bowers, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Shannon, Tendick—17.

11 o'clock A. M.

### HOUSE BILLS ON SECOND READING.

House bill No. 139, "An act to incorporate the Liberty County, Texas, Agricultural and Mechanical Association." Read second time.

Senator Bell moved to adjourn to 10 o'clock A. M. on Monday. Yeas and nays called for and motion lost by the following vote:

Yeas—Bell, Broughton, Cole, Douglass, Flanagan, Latimer, Pickett, Pridgen—8.

Nays—Bowers, Dillard, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Shannon, Tendick—17.

On motion of Senator Pickett, the rules were suspended and House bill No. 130 read third time and passed.

House bill No. 37, "An act to amend an act entitled 'an act to establish a State Police and provide for the regulation of the same,' approved July 1, 1870." Read second time.

Senator Bowers moved to make House bill No. 37 the special order for Monday, at 11 A. M., and that one hundred copies be printed for the use of the Senate.

Yeas and nays called for and motion lost by the following vote:

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglass, Flanagan, Latimer, Pickett, Shannon—10.

Nays—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—14.

Senator Tendick offered the following amendment: Amend section one, after the word "officer," line twenty. strike out the words "and non-commissioned officer shall receive twenty-five dollars," and insert "shall receive thirty dollars per month; each non-commissioned officer twenty-five dollars per month; and each private twenty dollars per month, in addition to said pay," etc.



Yeas and nays called for and the amendment adopted, by the following vote :

Yeas—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—16.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglass, Flanagan, Latimer, Pickett, Shannon—10.

Senator Flanagan offered the following amendment, and moved its adoption : “ Amend by striking out all after the enacting clause.”

Senator Hall moved to lay the amendment on the table.

Yeas and nays called for, and motion to lay the amendment upon the table carried by the following vote.

Yeas—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Tendick—14

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglass, Flanagan, Latimer, Pickett, Saylor, Shannon—11.

Senator Pickett offered the following amendment, and moved its adoption : amend section three, line thirteen, by striking out all after the word “ arms.”

Senator Gaines moved to reject the amendment.

Yeas and nays called for and motion carried by the following vote :

Yeas—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglass, Flanagan, Latimer, Pickett, Shannon—10.

Senator Pickett offered the following amendment and moved its adoption : Amend by striking out section three.

12 O'CLOCK M.

The hour having arrived for the consideration of the special order, Senate bill No. 4, “An act to incorporate the Island City Gas Company,”

Senator Ruby moved that the consideration of special order be postponed until the subject under consideration be disposed of.

Yeas and nays called for and motion carried, by the following vote :

Yeas—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglass, Flanagan, Latimer, Pickett, Shannon—10.

The question recurring upon the amendment offered by Senator Pickett, the yeas and nays were called for and the amendment lost by the following vote :

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglass, Flanagan, Latimer, Pickett, Pyle, Shannon—11.

Nays—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Senator Parsons offered the following amendment, and moved its adoption: Amend section four, line three, by striking out the word "appoint" and inserting the word "authorize." Amendment adopted.

Senator Parsons offered the following amendment which was adopted: Amend section four, line four, after the word "conveyances" insert the words "to act as."

Senator Parsons offered the following amendment, which was adopted: Amend section four, line seven, strike out the word "appointed" and insert the word "authorized."

Senator Parsons offered the following amendment: section four, line nine, add after word "act," "and such conductors, so authorized, shall have all the power and authority of peace officers under the laws of this State."

Yeas and nays called for, and the amendment adopted by the following vote:

Yeas—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglass, Flanagan, Latimer, Pickett, Pyle, Shannon—11.

Senator Parsons moved that House bill No. 37 pass to a third reading.

Yeas and nays called for and motion carried by the following vote:

Yeas—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglass, Flanagan, Latimer, Pickett, Pyle, Shannon—11.

Senator Parson moved that the Senate adjourn to 10 o'clock A. M., Monday.

Motion lost by the following vote:

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglass, Flanagan, Latimer, Pickett, Pyle, Shannon—11.

Nay—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Postponed special order, Senate bill No. 4, "An act to incorporate the Island City Gas Company."

Senator Flanagan offered the following amendment: "Section 8. That this company shall complete and put in operation their gas

works within one year from the passage of this act or forfeit all rights, privileges and franchises granted by this act."

Yeas and nays called for and the amendment lost by the following vote :

Yeas—Bowers, Cole, Dillard, Dohoney, Douglass, Flanagan, Latimer, Pridgen, Rawson, Shannon—10.

Nays—Bell, Ford, Fountain, Gaines, Hall, Hillebrand, Pettit, Ruby, Saylor, Tendick—10.

Senator Ruby moved that Senate bill No. 4 do now pass.

Yeas and nays called for, and motion carried, by the following vote :

Yeas—Bell, Bowers, Cole, Dillard, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Pettit, Pridgen, Ruby, Saylor, Tendick—15.

Nays—Dohoney, Douglass, Flanagan, Latimer, Rawson, Shannon—6.

On motion of Senator Bowers, the rules were suspended to take from file House bill No. 266, "An act to incorporate the Widows' and Orphans', and Superannuated Preachers' Aid Society of the West Texas Conference of the M. E. Church South." Read second time.

On motion of Senator Saylor, the rules were further suspended, House bill No. 266 read third time and passed.

### GENERAL FILE.

House bill No. 30, "An act to amend an act entitled 'an act to provide for the enrollment of the militia, the organization and discipline of the State guard, and for the public defense.'" Read second time.

Senator Bowers moved to adjourn to 10 A. M. Monday.

Yeas and nays called for and the motion lost by the following vote :

Yeas—Bowers, Cole, Dillard, Dohoney, Douglass, Flanagan, Mills, Pickett, Saylor, Shannon—10.

Nays—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pettit, Pridgen, Ruby, Tendick—12.

Senator Cole moved a call of the Senate.

Call sustained.

Absent—Senators Baker, Broughton, Latimer, Pyle and Evans.

Absent excused—President Campbell.

On motion of Senator Parsons, the call was suspended.

Senator Parsons moved that House bill No. 30 be made special order for Monday, at 11 A. M.

Yeas and nays called for and motion lost by the following vote :

Yeas—Bell, Dillard, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—15.

Nays—Bowers, Cole, Douglass, Flanagan, Pickett, Pridgen, Shannon, Tendick—8.

Senator Parsons moved that the Senate adjourn to 10 A. M., on Monday, yeas and nays called for and motion lost by the following vote :

Yeas—Bowers, Cole, Dillard, Dohoney, Douglass, Flanagan, Mills, Pickett, Shannon—9.

Nays—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—14.

Senator Bowers moved that House bill No. 30 be made the special order for Thursday next at 11 o'clock A. M. Yeas and nays called for and motion lost by the following vote :

Yeas—Bowers, Cole, Dillard, Dohoney, Douglass, Flanagan, Pickett, Shannon—8.

Nays—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Senator Flanagan moved to adjourn to Monday at 10 o'clock A. M. Lost.

Senator Parsons moved that further consideration of House bill No. 30 be postponed and the bill made the special order for Wednesday next at 11 o'clock A. M., and that one hundred copies be printed for the use of the Senate. Yeas and nays called for and motion carried by the following vote :

Yeas—Bell, Bowers, Cole, Dillard, Dohoney, Douglass, Flanagan, Fountain, Hertzberg, Hillebrand, Parsons, Pickett, Pridgen, Rawson, Saylor, Shannon—16.

Nays—Ford, Gaines, Hall, Mills, Pettit, Ruby, Tendick—7.

On motion of Senator Dohoney, the Senate adjourned to Monday at 10 A. M.

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